

## REMARKS

### STATUS OF CLAIMS

Claims 1-24 remain in the application. No claims have been canceled.

### CLAIM REJECTIONS – 35 U.S.C. § 103

Claims 1-24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Zait et al. (U.S. Patent No. 6,665,684; hereinafter “Zait”) in view of Baru (U.S. Patent No. 5,878,409).

35 U.S.C. 103(c) states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The above statute applies to the present application.

The priority date of the present application is May 7, 2001. Zait was patented on December 16, 2003. Zait cannot qualify as prior art under subsections (a) or (b) of 35 U.S.C. 102 because Zait was not patented before the priority date of the present application. Therefore, Zait could only allegedly qualify as prior art under subsection (e) of 35 U.S.C. 102. At the time the claimed invention of the present application was made, both Zait and the claimed invention were owned or subject to an obligation of assignment to Oracle International Corporation. Therefore, under 35 U.S.C. 103(c), Zait cannot preclude patentability of the present application under 35 U.S.C. 103(a). Consequently, Claims 1-24 are patentable over Zait.

Furthermore, because Zait cannot preclude patentability of the present application under 35 U.S.C. 103(a), Claims 1-24 are patentable over Zait in view of Baru.

For at least the reasons set forth above, it is submitted that all of the pending claims are in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is solicited.

The Examiner may contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP



Christian A. Nicholes  
Reg. No. 50,266

1600 Willow Street  
San Jose, CA 95125  
(408) 414-1080  
**Date: June 24, 2004**  
Facsimile: (408) 414-1076

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

on June 24, 2004 by   
Jennifer Newell